UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,706	06/24/2005	Declan Patrick Kelly	NL021500	2403

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EXAMINER
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ART UNIT	PAPER NUMBER
2139	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/540,706	KELLY ET AL.
	Examiner	**Art Unit**	
	Nicole M. Young	2139	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>24 June 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-8</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-8</u> is/are rejected.

7)☒ Claim(s) <u>7</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>24 June 2005</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>2/23/2007</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

This communication is in response to the Application filed on June 24, 2005.

Claims 1-8 are pending. The Applicant uses "means for" throughout the claim

language. The Examiner considers 112 6th paragraph to be invoked.

Claim Objections

Claim 7 is objected to under 37 CFR 1.75(c) as being in improper form because

a multiple dependent claim cannot depend from any other multiple dependent claim.

See MPEP § 608.01(n). Accordingly, the claim has not been further treated on the

merits.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention.

Claim 4 recites "switching means...for", "association means (106) for", and

"control means (109)". As 112 6th paragraph is considered to be invoked, each of these

"means for" statements must have a specific physical structure in the specification. The

Examiner cannot determine this from the specification.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 6, 7, and 8 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 6 discloses a device (information carrier player) with switching means. The claim does not include enough tangible structure. The Examiner interprets it to be a system of software which is non-statutory under 35 USC § 101.

Claims 7 and 8 are recite a "computer program". Generally, functional descriptive material, such as a computer program, is statutory when it is stored on a tangible computer readable medium. See MPEP § 2106 IV.B.I(a). A computer program listing on a sheet of paper is not considered to provide functionality, and is therefore considered to be merely a computer program per se, which is non-statutory subject matter.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by **Gudorf**

et al. (US 7,140,045) herein referred to as Gudorf.

Claim 1 discloses a method of controlling, from an information carrier player (101), a

user access to an information carrier (105) and to a server (103), said information

carrier (105) being associated with a preset parental control level (DVD_PCL), said

information carrier player (101) being associated with a current parental control level

(Current_PCL_i) selected from among a set of parental control levels (PCL_I), said

method of controlling comprising (Figure 2 and associated text and Figure 3a and 3b):

   - a switching step (104) controlled by a control signal derived from a comparison

   between said current parental control level (Current_PCL_i) said preset parental

   control level (DVD-PCL), for authorizing or not the access to said information

   carrier (105) (Figure 3a-c and associated text, column 3 lines 35-46 and column

   4 lines 30-54 where the age is checked against a parental control set age for the

   content on the site),

   - an association step (106) for associating a list (List_i) of server addresses with

   said parental control levels (PCL_i) (column 4 lines 55-63 which contains a list of

   servers accessed and if permission was granted, column 5 lines 46-60 wherein a

   list of server addresses accessed is maintained, the parent can check the list of

   age restricted sites the child tried to access, also column 6 lines 52-61 where the

   verification program stores a list of web sites and parental controls),

   - a control step (109) for restricting the user access to the list (List_i) of server

   addresses associated with said current parental control level (Current_PCL_i)

(Figure 3b step 340 and associated text, denies the user further access to the
website).

Claim 2 discloses a method as claimed in claim 1, comprising a first control sub-step
(110) for deactivating said control step (109) (Figure 2 and associated text and Figure
3a and 3b).

Claim 3 discloses method as claimed in claim 1 or 2, comprising a second control sub-
step (112) for forbidding the user access to any server address. (Figure 3b step 340 and
associated text, denies the user further access to the website).

Claim 4 discloses an information carrier player (101) intended to read an information
carrier (105) which is associated with a preset parental control level (DVD_PCL), and to
control a user access to a server (103), said information carrier player (101) being
associated with a current parental control level (Current_PCL_i) selected from among a
set of parental control levels (PCL-i), said information carrier player (101) comprising
(Figure 2 and associated text and Figure 3a and 3b) :

> - switching means (104) controlled by a control signal derived from a comparison
> between said current parental control level (Current_PCL_i) and said preset
> parental control level (DVD_PCL), for authorizing or not the reading of said
> information carrier (105) (Figure 3a-c and associated text, column 3 lines 35-46
> and column 4 lines 30-54 where the age is checked against a parental control set
> age for the content on the site),
> - association means (106) for associating a list (List_i) of server addresses with
> said parental control levels (PCL_i) (column 4 lines 55-63 which contains a list of

servers accessed and if permission was granted, column 5 lines 46-60 wherein a

list of server addresses accessed is maintained, the parent can check the list of

age restricted sites the child tried to access, also column 6 lines 52-61 where the

verification program stores a list of web sites and parental controls),

- control means (109) for restricting the user access to the list (List_i) of server

addresses associated with said current parental control level (Current-PCL_i)

(Figure 3b step 340 and associated text, denies the user further access to the

website).

Claims 5 and 6 discloses a method and device of controlling, from an information

carrier player (101), a user access to an information carrier (105) and to a server (103),

said information carrier (105) being associated with a preset parental control level

(DVD_PCL), said information carrier player (101) being associated with a current

parental control level (Current_PCL_i) selected from among a set of parental control

levels (PCL_i), said method of controlling comprising (Figure 2 and associated text and

Figure 3a and 3b):

- a first switching step (104) controlled by a first control signal derived from a first

comparison between said current parental control level (Current_PCL _i) and

said preset parental control level (DVD-PCL), for authorizing or not the access to

said information carrier (105) (column 4 lines 55-63 which contains a list of

servers accessed and if permission was granted, column 5 lines 46-60 wherein a

list of server addresses accessed is maintained, the parent can check the list of

age restricted sites the child tried to access, also column 6 lines 52-61 where the

verification program stores a list of web sites and parental controls),,

- a second switching step (201) controlled by a second control signal (202)

derived from a second comparison between said current parental control level

(Current_PCL_i) and the highest parental control level (PCL_8) of said set of

parental control levels, for authorizing or not the access to said server (103)

(column 4 lines 55-63 which contains a list of servers accessed and if permission

was granted, column 5 lines 46-60 wherein a list of server addresses accessed is

maintained, the parent can check the list of age restricted sites the child tried to

access, also column 6 lines 52-61 where the verification program stores a list of

web sites and parental controls).

Claim 7 discloses a computer program comprising code instructions for implementing

the steps of the method as claimed in claim 1, 2 or 3 (see rejections above for claims 1,

2, or 3).

Claim 8 discloses a computer program comprising code instructions for implementing

the steps of the method as claimed in claim 5 (see rejection above for claim 5).

Conclusion

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the

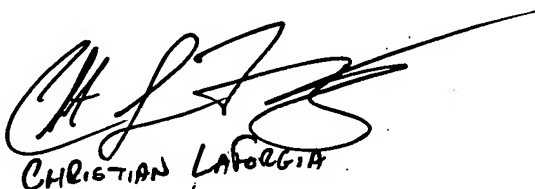examiner should be directed to Nicole M. Young whose telephone number is 571-270-

1382. The examiner can normally be reached on Monday through Friday, alt Fri off,

8:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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NMY

7/20/2007

CHRISTIAN LAFORGIA